THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.498 OF 2007

ORAL ORDER:

Heard the learned counsel for the petitioners and perused the material on record.

The petitioners seek a declaration that the alleged action of the 1st respondent in threatening to remove and dismantle the shops situated on the road margin on the western side boundary wall of the 1st respondent, as arbitrary and illegal.

Though it is claimed by the petitioners that the shops in question are located on the road margin and that the 1st respondent cannot claim any right in respect of the said land, notices issued by the 1st respondent from time to time calling upon the petitioners to vacate the premises, show that the 1st respondent is claiming the land in question as its own. The notices also show that the said land is required for the purpose of conversion of the Head Post Office into a 'Finance Mart'.

Absolutely no case is made out to show that the matter involves enforcement of any legal right on statutory obligation on the part of the 1st respondent. In the circumstances, if the petitioners are aggrieved, it is for them to work out the appropriate common law remedy, but they cannot maintain this writ petition under Article 226 of the Constitution of India.

Accordingly, granting leave and liberty to the petitioners to work out appropriate common law remedy, the writ petition is dismissed. No costs.

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(G. ROHINI).

5th January, 2006.
Issue CC by today.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.498 OF 2007

5th January, 2007.

Between:

Pola Harinath and others. .. Petitioners.

And

The Post Master (HSGI), Head Post Office,
Station Road, Khammam and another. .. Respondents.